UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,835	06/30/2003	Sylvia Scheu	34874-080 UTIL	2764

64280 7590 05/02/2007

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C.
9255 TOWNE CENTER DRIVE
SUITE 600
SAN DIEGO, CA 92121

EXAMINER	
HAILU, TADESSE	

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
05/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/611,835	SCHEU ET AL.	
	Examiner	Art Unit	
	Tadesse Hailu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 8-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the AMENDMENT submitted on February 12, 2007.

2. The current pending claims 1 through 22 are fully addressed and examined.

Response to Arguments

3. Applicant's arguments with respect to claims 1 through 22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5, 8, and 11-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Szabo (US Pat. No. 5,966,126).

Szabo relates to the field of graphic user interfaces for computer systems, and more particularly to graphic user interface systems having graphic objects representing data sets, in which a manipulation of the graphic object instructs the system to perform logical or set theory operations on the data represented by the graphic object.

With regard to claim 1:

Szabo discloses a method for providing access to stored data objects (i.e., Szabo describes providing access to at least two databases, a data set being defined from each of the databases, see Szabo's claim 23).

Szabo discloses a method for providing access to stored data objects (i.e., Szabo describes providing access to at least two databases, a data set being defined from each of the databases, see Szabo's claim 23).

Szabo describes representing a first arrangement of data objects comprising a first set of documents as a first graphical structure in a graphical user interface (i.e., a first data set in a relation of two sets represented by a first icon (circle) in a Venn diagram, e.g., Fig. 1C, column 4, lines 25-52).

Szabo describes concurrently representing a second arrangement of data objects comprising a second set of documents as a second graphical structure in the GUI (i.e., a second data set in a relation of two sets represented by a second icon (circle) in a Venn diagram, e.g., Fig. 1C, column 4, lines 25-52).

Szabo describes combining the first and second graphical structures in the GUI defining a plurality of user-selectable graphical objects each providing access to one or more data objects associated with a corresponding portion of the combined first and second arrangements, the combined first and second graphical structures including at least one overlapping region defining one of the user-selectable objects providing access to the first and second arrangements of data objects and one or more of the first and second set of documents (i.e., Szabo describes and illustrates that in a relation of two sets of data in a Venn diagram the combination of the first circle representing the first data set and the second circle representing the second data set is shown partially intersected, Fig. 1C, column 16, lines 18-44).

With regard to claim 2:

Szabo describes the first circle (first graphical structure) having one or more axis (or arc-section) (i.e., the circle having a plurality of spaced radially oriented axes, column 6, lines 4-16). Szabo also illustrates the second circle having a concentric ring (Fig. 9) as a second graphical structure.

With regard to claim 3:

Szabo describes a data set represented by a circle or circular region (Fig. 1C).

With regard to claim 5:

Szabo describes that the first graphical structure comprises a structure organized based on one or more types of information that includes within the data objects (e.g., different data sets illustrated in Fig. 1C, column 1, lines 5-11).

With regard to claim 8:

Szabo describes concurrently representing a third arrangement of data objects as a third graphical structure in the GUI (i.e., the partial intersection of the first circle with the second circle, see Fig. 1C).

Szabo describes a combination of the first, second and third graphical structures in the GUI defining the plurality of user-selectable graphical objects, each graphical object providing a link to a portion of storage associated with a corresponding portion of a combination of the first, second and third arrangements (i.e., each circle including the intersection region (a third set space) in the two set Vann diagram are all independently selectable and linked to a database, column 21, lines 47-55).

With regard to claim 11:

Apparatus claim 11 corresponds to method claim 1, therefore is rejected under the same rational.

With regard to claim 12:

Szabo discloses that each graphical object comprises a two-dimensional polygon (column 11, lines 63-64).

With regard to claim 13:

Szabo discloses that the GUI includes a circular area, and wherein the first graphical structure comprises a number of arc-sections of the circular area (i.e., the circle having a plurality of spaced radially oriented axes, column 6, lines 4-16).

With regard to claim 14:

Szabo discloses that the second graphical structure comprises a plurality of sectors of the circular area (Fig. 9).

With regard to claim 15:

Szabo discloses that each graphical object is defined by a combination of the first and second graphical structures, and by a third graphical structure representing a third data object storage arrangement (i.e., the first and second circles and their intersection (a third set space) in the two set Vann diagram are shown in Fig. 1c, column 21, lines 47-55).

With regard to claim 16:

Szabo discloses that each graphical object comprises a three-dimensional polygon (column 11, lines 63-64, Fig. 9).

With regard to claim 17:

System claim 17corresponds to method claim 1 therefore is rejected under the same rational.

With regard to claim 18:

Szabo further discloses that a user input device for receiving input signals to navigate the GUI for accessing the plurality of user-selectable graphical objects (column 16, lines 18-44).

With regard to claim 19:

Szabo discloses that the GUI defines a two-dimensional graphic formed of the plurality of user-selectable graphical objects (Fig. 9, column 16, lines 18-44).

With regard to claim 20:

Szabo discloses that the processor is further configured to represent a third arrangement of data objects as a third graphical structure in the GUI, and wherein a combination of the first, second and third graphical structures in the GUI defines the plurality of user-selectable graphical objects (i.e., each circle including the intersection region (a third set space) in the two set Vann diagram are all independently selectable and linked to a database, column 21, lines 47-55).

With regard to claim 21:

Szabo discloses that the GUI defines a three dimensional graphic formed of the plurality of user-selectable graphical objects (column 25, lines 44-57).

With regard to claim 22:

Method claim 22 substantially corresponds to method claim 1, therefore is rejected under the same rational.

Young describes a method for providing access to stored data objects (i.e., Young describes a method which includes structurally based, visual means which may be employed in managing large numbers of data subsets within varied data species, used to characterize multiple complex entities and for making integrated, visual, comparisons between such entities on a quantitative, as well as qualitative basis. Young describes. Young further describes the data that may be used to construct a suitable helical structure (e.g., Fig. 3a), and graphically representing each dimension of the component in the various primary and secondary zones of the helical structure are stored, for later use within a database, such as the database 722 (column 16, lines 10-19).

Young describes representing a first arrangement of data objects comprising a first set of documents as a first graphical structure in a graphical user interface (GUI) (i.e., in one embodiment, Young describes various types of data sets (e.g., first and second data objects), such as biochemical data, anatomical data, etc) that are superimposed or arranged in helical structure 12.

4. Claims 1, 4, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated 102 Anwar (5,767,854).

With regard to claim 1:

Anwar discloses a method of providing access to stored data (i.e., **Anwar** discloses a method implemented on a computer or stored in a digital readable format

including the steps of creating multi-sided data objects, populating multi-sided data objects with data, manipulating the objects and the data contained therein, displaying the objects, retrieving, storing, deleting, updating, and modifying the objects and analyzing the objects for data trends or for report generation (Abstract).

Anwar discloses representing a first arrangement of data objects comprising a first set of documents as a first graphical structure in a graphical user interface (GUI) (i.e., using Van Diagram, data object can be represented by graphical objects, such as by circle as illustrated in Fig. 28).

Anwar also discloses concurrently representing a second arrangement of data objects comprising a second set of documents as a second graphical structure in the GU (i.e., first, second and third circles representing three data sets or data objects are shown in Fig. 28).

Anwar discloses combining the first and second graphical structures in the GUI defining a plurality of user-selectable graphical objects each providing access to one or more data objects associated with a corresponding portion of the combined first and second arrangements, the combined first and second graphical structures including at least one overlapping region defining one of the user-selectable objects providing access to the first and second arrangements of data objects and one or more of the first and second set of documents (i.e., as illustrated in Fig. 28, for example, Anwar discloses an overlapping region or intersection of the three circles each representing a data set).

With regard to claim 4:

Anwar discloses at least one of the plurality of sectors is intersected by one of the arc-sections (i.e., data objects can be represented by any graphical structure such as any one of the graphical shown in Fig. 30, such as multi-rectangular arrays 114, wherein as shown at least one of the plurality of sectors is intersected by one of the multi-rectangular arrays (arc-sections).

With regard to claim 9:

Anwar discloses that the plurality of graphical objects forms a three-dimensional cylinder in the GUI, wherein the first graphical structure corresponds to arc-segments of the cylinder, wherein the second graphical structure corresponds to coaxial sectors of the cylinder, and wherein a third graphical structure corresponds to a height of the cylinder (Figs. 1, 10, 13, 14, column 7, lies 38-57).

With regard to claim 10:

Anwar discloses that the cylinder includes a plurality of sub-sections (Fig. 1, 10, 13 and 14).

Allowable Subject Matter

5. Claims 6 and 7 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

CONCLUSION

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

8. Information regarding the status of an application may be obtained from the patent application information retrieval (PAIR) system. Status information for published application may be obtained from either Private –PAIR or Public-PAIR. Status

information for unpublished applications is available through Private-PAIR only. For more information about the PAIR system, please see pair-direct.uspto.gov web site. Should you have questions regarding access to the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

Examiner Tadesse Hailu
Art Unit 2173 – Operator Interface
4/30/07

TADESSE HAILU
Patent Examiner